

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EUGENE BEAUREGARD AND SUSAN  
BEAUREGARD,

Plaintiff,

v.

JOHN HILLOCK and SANDRA HILLOCK  
EDWARD MERRILL and WANDA  
MERRILL,

Defendants.

Case No. C07-712FDB

ORDER TO SHOW CAUSE

Plaintiffs state that they bring this cause of action “to enforce their federal constitutionally protected right to equal protection under the laws and freedom from involuntary servitudes.” (Amended Complaint ¶ 4.) Plaintiffs also state that they bring this cause of action in order that they are not frightened into “abandoning their federally protected right to hold and use property, to sue in state court, to make and enforce contracts, and to enjoy the full benefit of all laws and proceedings for the security of their persons and their property.” (Amended Complaint ¶ 6.)

This cause of action concerns property in Lewis County “where in 1993 Plaintiffs purchased a nominal 15 acre portion of undeveloped land near the small town of Pe Ell.” sic. ( *Id.*, ¶ 11.)

Plaintiffs assert that:

ORDER - 1

1 In the Lewis County Superior Court under Cause number 03-2-00924-3, John Hillock  
2 and Edward Merrill knowingly made the false claim that the Beauregards failed and/or  
3 refused to honor a reservation of rights for the use of water derived from a well  
4 located on the real property of the Beauregards' "parcel B".


5 (Amended Complaint ¶ 20.) Plaintiffs state that a decree Quieting Title [John & Sandra  
6 Hillock/Edward & Wanda Merrill Property] issued on June 11, 2004, which established a court  
7 ordered "servitude," under color of law, for the use of water from any spring well located on Parcel  
8 "B" of the Beauregards' property. (*Id.*, ¶ 27.) Plaintiffs state that their objections were overruled  
9 by the Superior Court of the State of Washington and sustained on the merits by the Supreme Court  
10 of the State of Washington. (*Id.* ¶ 30.)

11 Plaintiffs seek a declaration that the above-mentioned Decree Quieting Title is void because it  
12 is unlawful and it violates public policy, and Plaintiffs seek damages for mental anguish and for lost  
13 of profits, among other damages related to damages to property and maintenance of property and  
14 increased development costs added and incurred because of Defendants actions.

15 This Court is not convinced by Plaintiffs' Amended Complaint that it has jurisdiction over  
16 this cause of action.

17 ACCORDINGLY, IT IS ORDERED: Plaintiffs' shall SHOW CAUSE by Friday, July 6,  
18 2007 why this cause of action should not be dismissed for lack of subject matter jurisdiction.

19 DATED this 21<sup>st</sup> day of June, 2007.

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21 FRANKLIN D. BURGESS  
22 UNITED STATES DISTRICT JUDGE  
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